

New Developments in Cosby Fondling Investigation

Source: Investigators Conclude There Was Sexual Contact, Dispute Over Consent

Jan. 27, 2005 - Investigators probing the sexual misconduct allegations made against Bill Cosby by a former Temple University employee have concluded there was sexual contact between the entertainer and the woman, but they are trying to determine whether it was consensual, a source close to the investigation has told ABC News.

Cosby met voluntarily with law enforcement officials Wednesday at a location outside Pennsylvania. A 31-year-old woman has accused Cosby, 67, of giving her a pill that rendered her semiconscious and fondling her at his Cheltenham Township, Pa., mansion early last year. Cosby has denied the allegations, his attorney called them "preposterous" and "bizarre."

A source close to the investigation told ABC News that Cosby's version of what happened between him and the woman and his accuser's story are similar in many ways. The dispute, the source told ABC News, is whether the contact between Cosby and the woman was consensual.

Prosecutors Could Make Decision in Two Weeks

At a news conference Wednesday, Montgomery County District Attorney Bruce L. Castor Jr. said Cosby is fully cooperating with investigators, and authorities expect to decide whether they will bring charges against him in two weeks. Castor indicated that the alleged victim's delay in coming forward and contact with the entertainer since the incident could hurt her case.

"I did hear a report that said that I had determined her testimony, her statement was credible. That is inaccurate. I haven't made any such determination one way or the other," Castor said. "He [Cosby] is presumably innocent and can come and go as he pleases. ... I think the factors such as failure to disclose in a timely manner and contacts with the alleged perpetrator after the event are factors that weigh toward Mr. Cosby."

Lawyers representing the woman making the allegations said in a statement that she is a victim of sexual assault and that her alleged encounter with the man she once considered a mentor has traumatized her.

"There is nothing bizarre or preposterous about our client's allegations as the attorney for Cosby contends," said Dolores Troiani, one of the attorneys presenting the woman. "Our client is the victim of a sexual assault. Nor is it uncommon to delay reporting sexual assault for many reasons, including, among others, the traumatic nature of the event and the betrayal of trust which is felt by the victim. In this case, our client naturally experienced a great deal of emotions, having at one time perceived Mr. Cosby as a friend and mentor."

Cosby's accuser is reportedly a former basketball standout at the University of Arizona who worked at Temple for several years before returning to her native Canada to attend massage school. Cosby, a Temple alumnus, frequently attends campus events and has generated headlines over the past year for criticizing African-American parents for the way they raise their children.

Reported by ABC News Chief Legal Correspondent Cynthia McFadden on "Good Morning America."

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Posted: 01/27/05, 12:01 AM EST | Updated: on 01/27/2005

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"(Cosby) and his lawyer have been fully cooperative with us without delay or hesitation," District Attorney Bruce L. Castor Jr. confirmed Wednesday, adding that the interview occurred "recently."

"I'm not going to get into what he told us. He was cooperative and he appeared to be not withholding anything," Castor said.

Investigators had asked Walter Phillips, Cosby's lawyer, for permission to interview Cosby about the Canadian woman's allegations, which came to light last week.

"Everybody realizes this is a serious matter and it's being treated as such," Castor said. It is unlikely that there will be a need to interview Cosby a second time, he indicated. No search warrants are expected to be sought.

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"He is free to do whatever he pleases. He can come and go as he pleases," said Castor, indicating no restrictions have been placed upon Cosby during the investigation.

Castor implied the investigation could be wrapped up in as early as two weeks.

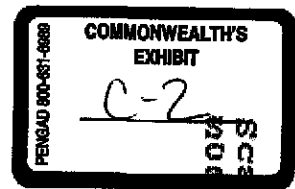
No charges have been filed against Cosby, 67, affectionately known as "The Cos," who played Dr. Cliff Huxtable on "The Cosby Show" and starred in the '60s television show "I Spy."

"He answered all the questions that were put to him and he answered them truthfully," Phillips said Wednesday, adding the interview took place outside of the Philadelphia area.

Phillips would not comment about what Cosby told investigators. Cosby, Phillips said, is dealing with the situation as best he can.

"His demeanor is vintage Bill Cosby. I think he can handle the worst of situations as well as or better than anybody," Phillips said. "It has been an ordeal but he has held up well."

According to investigators, a 30-year-old female former employee of the athletic department of Temple University has complained to detectives that Cosby, with whom she claimed to have developed a friendship, touched her inappropriately during a visit to the actor-comedian's Cheltenham mansion in early 2004.



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The woman reported the allegations to police in her native Canada on Jan. 13, according to Castor. Canadian authorities referred the complaint to Philadelphia police who notified Montgomery County authorities.

The unidentified woman, according to Castor, met with county detectives and First Assistant District Attorney Risa Vetri Ferman on Jan. 22 to give a statement concerning the alleged events.

"Coming forward has been extremely difficult for our client, who is not accustomed to being under the glare of intense media scrutiny," said Bebe H. Kivitz of the Devon law firm of Troiani Kivitz L.L.P., who was retained to represent the woman.

Castor wouldn't comment about the credibility of Cosby's accuser. He denied reports that he had determined the woman's statement to be credible.

"I haven't made any such determination one way or the other. I won't make any decision concerning anyone's credibility until all the statements have been taken and until all the evidence is in," Castor said.

Castor said investigators may interview friends, relatives or acquaintances of both the woman and Cosby in order to try to corroborate the details of the woman and Cosby told authorities.

Comments

"We are looking for anybody who might have information that is relevant to corroborating details of the statements that we have already taken," Castor said. "We essentially try to build as many details about both main statements as we can to try to determine what exactly happened or whether there was any violation of the law."

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He wouldn't comment about whether the grand jury will take a look at the woman's allegations. She has apparently given authorities an explanation as to why she waited so long to report the alleged incident, but Castor wouldn't reveal it. However, he said that, generally, the failure of a complainant to bring allegations to the attention of law enforcement in a timely fashion does tend to make a jury less likely to believe the testimony.

Dolores Troiani, who also represents the woman, said it is not uncommon for assault victims to delay reporting incidents because of the traumatic nature of such events.

"In this case, our client, naturally, experienced a great deal of emotions, having at one time perceived Mr. Cosby as a friend and mentor," Troiani said.

Troiani said her client hasn't filed any civil complaint against Cosby.

"We have no plans to do that at this point, although it is an obvious possibility. We are taking one step at a time," Troiani said.

After all the evidence is collected, Castor said he will determine if there is sufficient reason to file criminal charges against Cosby and whether there is a reasonable likelihood of a conviction.

"If I don't think a charge can be sustained beyond a reasonable doubt, I won't authorize a charge," he said.

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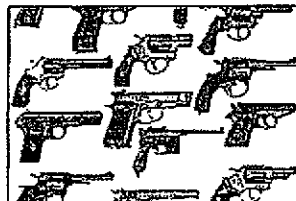


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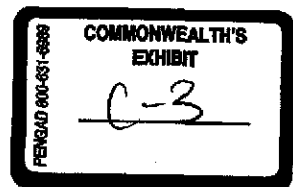
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Why Did Bruce Castor Pass on a Chance to Lock Up Bill Cosby?

Nov 26, 2014 8:01 AM EST

An interview with the ambitious Philadelphia lawyer who decided against prosecuting the star in 2005.

Lisa DePaulo

One would think that it's not very easy these days being the former prosecutor who failed to charge Bill Cosby a decade ago. Bruce Castor was the guy who fielded the case of Andrea Constand, the only one of Cosby's accusers to file criminal charges, back in 2005. Constand was the respected director of operations for Temple University's basketball team. Cosby was one of the biggest donors to the University. They became friends. He became her mentor. And so it went. Until she came to Castor—whose jurisdiction, as the district attorney of Montgomery County, Pennsylvania, included the five acres of Cheltenham, PA (a lovely area of Philadelphia) that surround Cosby's mansion, where she said he assaulted her.

There was Castor, a blustery, striving lawyer in pinstripes—the quintessential Philadelphia lawyer but with a bit more panache—who had a talent for being on TV (which he loved) and ambitions beyond the Montgomery County DA's office. Now the Montgomery County Commissioner, he tried to run for Pennsylvania Governor in last month's election, but his party, the GOP, supported the incumbent Tom Corbett, who got beat in one of the bigger Dem wins; "I'm quite sure I would have won," he told me on the phone shortly after the Cosby rape story reignited.

Confidence has never been lacking with Castor. Or bravado. "He's had contentious relationships with many of the people in the Republican power structure," says Democratic consultant Neil Oxman. "He's had issues with the Republican leadership, both in his county and people in the state, for a reasonably long period of time. And so he's been passed over or beaten down on a number of occasions. But that doesn't mean he doesn't have ambitions beyond [commissioner]. Bruce is gonna run for office for 100 years."

"He must have thought, 'What if I take on this icon and lose?' Thus, he was no different than those women."

James Baumbach, Pennsylvania Democratic attorney and political operative

Back then, the Cosby case was both an opportunity and a challenge. Cosby was a Philadelphia institution, an enormous benefactor, particularly to Temple University. At the time, there wasn't much precedent for bringing down such a figure. "[Castor] is very ambitious and concerned about his image," says Democratic attorney and political operative James Baumbach. "He must

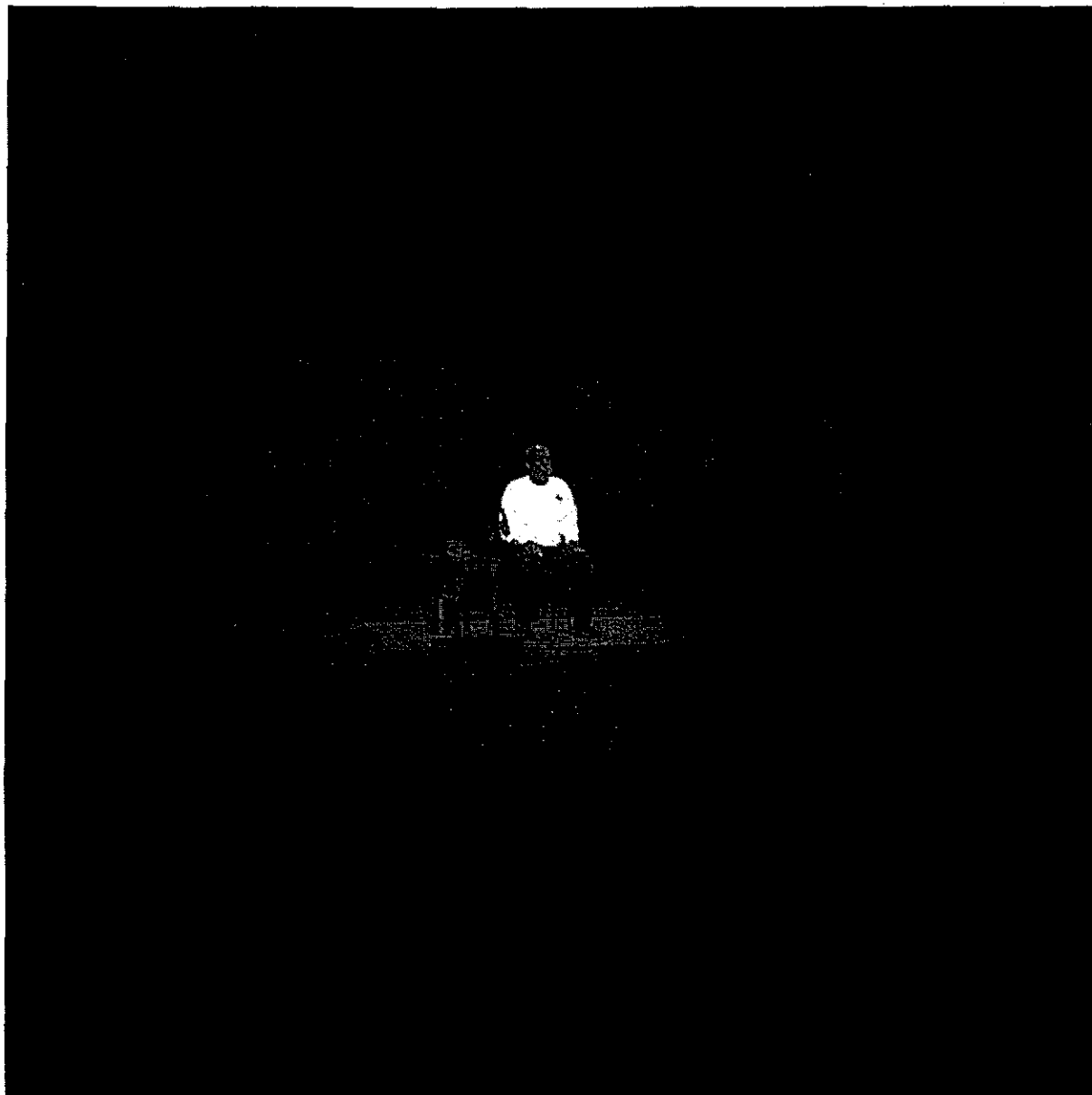
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Photograph by Getty Images

When I talk to Castor, he scoffs at this comparison. "There's a huge difference between children and adults," he says. "You can explain away a delay in reporting when it involves children, because of the immaturity of children, their fear of grownups, that kind of thing. But as far as it relates to an adult, waiting a *year*, it was really a very difficult hurdle to get over."

It's also a little-mentioned fact that Cosby's last known apparent victim was Constand—possibly indicating a change in his behavior.

We talked a bit about why women might have their own reasons not to "come forward," particularly years ago. "Well, I agree that there's often times when women are sexually assaulted that they don't come forward right away, but I can't remember a time that they waited a *year*. I mean, it's a long time ago. But I needed some corroboration, because the victim in this case

didn't remember what happened." (Because she was allegedly drugged.) "I mean, she had bits and pieces, and I had a theory about what had happened, but in order to corroborate the theory, I needed some forensics." He talks about blood and urine and fingernail and hair samples, all of which would have been useful.

But didn't the other women who came forward at the time provide some corroboration? "The answer is, under some circumstances, yes. It's not corroboration in its strict sense, but it can be used for what's called 'the common scheme.' If you can show that a person engages in a pattern of behavior that is peculiar enough that it's almost like a signature, you can use that evidence from before or after the event that you have at issue."

The other question about the Costand case is whether the pattern of behavior it uncovered should have caused the prosecutor to pursue Cosby more avidly. "Remember, it was this case that brought out all the other victims, and caused Cosby to buy her silence and keep the others from testifying," said Baumbach. "It makes one wonder whether Castor could have done more to investigate this."

It's unclear how many other women Castor knew about when he made his decision. He says, "I don't remember. I think it was a handful, not a very large amount." From local news accounts, it was at least a handful. But as Castor adds, "I remember there were some problems with all of them. Like one of them, I seem to remember, had falsely accused someone else in the past. Something like that, I can't remember. And if you're looking at it from a justice perspective, one thing I did know is that the current victim had a civil suit that was pending, where the burden of proof was a lot less. So she was going to get a chance to bang him, which ultimately she did."

But did he believe her?

"Well, believe what? I mean, she didn't tell us anything that was actually *criminal*." Castor chuckles, a bit nervously. "But I believed that Cosby probably did something inappropriate. And I also was operating under the desire that I *wanted* to arrest Cosby, because I wanted to punish him and, going along with that, I wanted all the attention that that would bring not only to victims of sexual assault, but to me personally!"

It's refreshing to hear a lawyer admit that he wants attention. And Castor will probably continue to get it. His television appearances about Cosby thus far have been note-perfect. "The Republican bench is not deep," says Baumbach. "He's media savvy, from a big media market. He could be a candidate for Attorney General—though Governor might be a stretch."

But about the criminal part ... did he not think allegations of being drugged and having Cosby force himself on her and molest her were criminal?

"Well, I don't remember what she said all these years later," says Castor. "But if she ... I mean, how did she know that he drugged her? That's something I could have proven had she told the police shortly thereafter. As I recall, what we had was, a woman who was there [in his house] of her own accord, and didn't complain about being there until a year afterwards." He pauses. "But

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yeah, [after speaking to her], I thought he did probably did something, but proving beyond a reasonable doubt that he did something wrong is far different than thinking it."

I had a few more questions. What was Castor's take on Cosby, having gotten the lowdown from the detectives who interviewed him? (Castor himself was not present at the interview, as is customary, "because I would have ended up testifying.") "The detectives told me that he was mumbly and shifty and ... generally evasive."

I ask if he feels guilt at times. He says that you always wonder about a case you don't think you can prosecute successfully but have a "gut feeling," as he did, about Cosby having done *something* very wrong to this woman. But he maintains he would make the same decision today that he made in 2005, absent any new "evidence," about Constand's case. "None of what's happening now has anything to do with our case in Montgomery County," he says, "unless a piece of evidence were to be established that I didn't know about."

Castor has a daughter. Would he let her be in Bill Cosby's proximity?

"No."

<http://www.bloomberg.com/politics/features/2014-11-26/why-did-bruce-castor-pass-on-a-chance-to-lock-up-bill-cosby>

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Prosecutor calls case against Bill Cosby weak

Thursday, January 27, 2005

The Associated Press

NORRISTOWN, Pa. -- A prosecutor investigating a fondling allegation against comedian Bill Cosby said Wednesday that the woman's yearlong delay in coming forward, and their contact in the past year, weighed in Cosby's favor.

Detectives have interviewed Cosby and expect to know in two weeks whether they will bring charges in response to the allegation he fondled the woman in his suburban Philadelphia home, Bruce L. Castor Jr., the Montgomery County district attorney, said at a news conference.

"I think that factors such as failure to disclose in a timely manner and contacts with the alleged perpetrator after the event are factors that weigh toward Mr. Cosby," Castor said.

The woman went to Canadian authorities Jan. 13, contending Cosby had given her some medication and later fondled her in his Cheltenham Township mansion about a year earlier, after they and others met for dinner.

Castor said the woman's allegations, if true, would constitute a misdemeanor or low-level felony. He said the decision to file charges would come down to whether there was criminal intent.

"In Pennsylvania, we charge people for criminal conduct. We don't charge people with making a mistake or doing something foolish," Castor said.

Cosby and his attorney, Walter M. Phillips Jr., "have been fully cooperative without delay or hesitation," he said.

Phillips has called the allegations "pointedly bizarre" and questioned why the woman waited a year to contact authorities.

The woman, a former basketball standout at the University of Arizona, worked at Temple University in Philadelphia for several years before returning to her native Canada to attend massage school.



Cosby, 67, is a Temple alumnus and booster who frequently attends campus events.

The woman told The Philadelphia Inquirer for a story Wednesday that she came forward because she wanted to do the right thing. "What would you do? I did what I thought was right," she was quoted as saying from her home in Ontario.

It is the policy of The Associated Press not to publish names of alleged sexual assault victims without their consent. A telephone number for the woman's family could not be found, and the AP has not been able to reach her.

The long-married Cosby postponed several appearances after the allegations surfaced last week. His publicist, David Brokaw, said Tuesday that Cosby now plans to keep to his schedule.



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EXCLUSIVE: 'I wanted to arrest Bill Cosby - I thought he was probably guilty': Former Pennsylvania DA investigated comic for rape of college basketball star but there wasn't enough evidence to charge him

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- Andrea Constand claimed Cosby drugged and attacked her at his Philadelphia home in 2004
- She launched a civil suit against him and settled out of court in 2006
- She remains the only woman to press charges against comic legend - as others now come forward to accuse star of sexual assault
- Cosby had to take statement accusing charges of being 'discredited' off his website
- Lawyers for Cosby and Miss Constand said the statement was not intended to refer to her

By SARA NATHAN FOR MAILONLINE

PUBLISHED: 08:34 EST, 18 November 2014 | UPDATED: 10:54 EST, 18 November 2014

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The former District Attorney who decided not to charge Bill Cosby with rape today revealed to MailOnline that he wanted to arrest the star - but had insufficient proof.

Bruce Castor was the DA of Montgomery County at the time that Andrea Constand claimed Cosby, now 77, drugged her and sexually assaulted her at his Pennsylvania home in January 2004.

Miss Constand, a former director of operations for Temple University's women's basketball team and college basketball star, launched a legal suit against Cosby, a man she called her 'mentor', in March 2005. She was the first - and only woman - to press charges against the comic legend.

And today, Mr Castor, who is now Montgomery County commissioner, told MailOnline exclusively: 'I wanted to arrest Bill Cosby because I thought he was probably guilty, but being able to prove anything beyond a reasonable doubt and thinking he's probably guilty are two different things.

'We knew back then that other woman had come forward, but even if they did it didn't mean anything for our case as none of those cases resulted in charges and were remote in time.'

Commissioner Castor, a former two-term DA of Montgomery County and a private lawyer at the Bryn Mawr law office of Rogers and Associates, added: 'The lady who was allegedly attacked waited a year before she reported it. As a result of that delay, any possible corroborating physical evidence was unavailable to us.



Arrest: Former Montgomery County DA Bruce Castor said he wanted to arrest Cosby - but there was not enough evidence

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Rocco Ritchie looks dizzy with joy as he enjoys bike ride with father Guy and step-



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Happy, now: Andrea Constand pictured beaming while on a hike. She claimed in court papers she was attacked by Cosby at his Philadelphia home in 2004 - having previously considered him a friend and mentor



Post-traumatic stress disorder: Andrea Constand, former director of operations for Temple University's women's basketball team, sued Bill Cosby for rape in 2005. They settled out of court in 2006.

Is this Harry's new girl? Romeo Prince is linked to American PR-girl Juliette after meeting her during New Year break in LA. Juliette Labelle is 22





'Impish': NPR host Scott Simon said that when he asked Cosby about allegations of sexual assault, the star-joined by his wife of 50-years Camille - shook his head, wagged his finger and gave an 'impish, delightful smile'

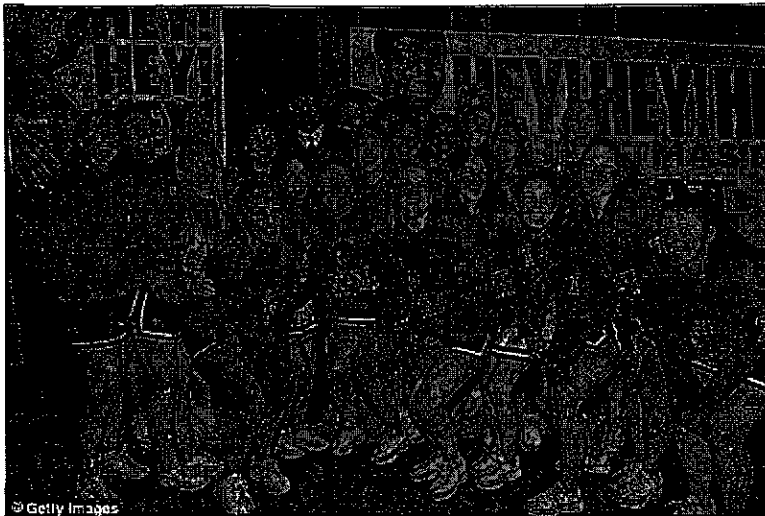
'There was almost no evidence on which to base a criminal case. The lady could not remember what happened with any detail, and she didn't report it for a year, all this made the case very difficult.'

'I thought the failure to report the alleged incident would create a high hurdle to jump over. It was not like she could say what happened.'

In her civil suit, Miss Constand, now 41, said she first met Cosby, a Temple University alum, in November 2002 and the pair became friends. She considered him a 'mentor' and was a frequent guest at dinner parties at his home.

However, in court papers, she claims that after arriving at Cosby's house on an evening in January 2004, the comic legend gave her three blue pills when she said she was stressed over work, which he described as 'herbal medication' to help her relax.

Then, the suit states, her 'knees began to shake, her limbs felt immobile, she felt dizzy and weak, and she began to feel only barely conscious.'



Alum: Bill Cosby poses with Cheerleaders at the Philadelphia Premiere of Fat Albert at the Liacouras Center of his alma mater, Temple University, in December 2004 - a month after his alleged assault on Andrea Constand at his home in Philadelphia, Pennsylvania

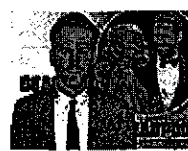
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Sports fan: Bill Cosby takes up the trumpet as he joins the Mississippi State band before the start of the first game of the NCAA Final Four in March 1996, in East Rutherford, N.J.

Cosby then gave her another drug, she said, and led her to the sofa, where she says she was sexually molested.

'When Plaintiff awoke, her clothes and undergarments were in disarray,' the suit said.

Miss Constand later returned to her native Canada, where she reported the incident to police in January 2005. Authorities in Montgomery County, Pennsylvania, followed up with an investigation, but in February 2005, they declined to press criminal charges due to a lack of evidence.

Commissioner Castor said: 'All she could say is that she was there (at Cosby's house) and then something might have happened due to how she was when she next remembered something.'

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'I also knew she had a civil court remedy with a much lower standard of proof, and in fact, she had initiated such a case.

'So this lady was going to get a measure of justice in civil court where the burden of proof is much lower: just more likely than not that Cosby had done it. 50 per cent plus a tiny bit. A far cry from proof beyond a reasonable doubt which, essentially, is just shy of proof beyond any doubt.

As a result of the alleged incident, Miss Constand claimed she had suffered 'serious and debilitating injuries, mental anguish, humiliation, embarrassment, physical and emotional upset, including, but not limited to, post-traumatic stress disorder, depression, sleeplessness, isolation, flashbacks, anxiety, the full extent of which injuries are not yet known and some or all which may be permanent in nature.'

The suit also said she had been 'caused to suffer and continues to suffer severe emotional distress, humiliation, embarrassment and financial loss.'

Miss Constand sued Cosby for more than \$150,000 in damages.

Thirteen other women were claimed to be supporting witnesses in her suit and she settled out of court for an undisclosed sum in 2006.

Today, Miss Constand declined to comment when contacted by MailOnline.

However, she seemed to make her feelings clear on the overwhelming publicity surrounding Cosby and his alleged sexual offences.

She tweeted a saying from Dr Seuss: 'My heart goes out to you: Be who you are and say what you feel because those who mind don't matter and those who matter don't mind.'

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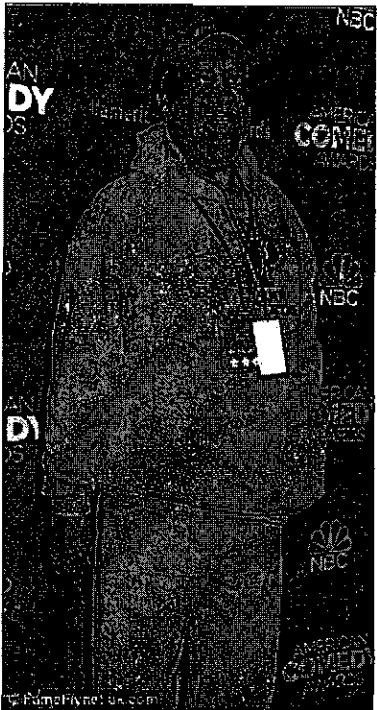
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Pictured: Mugshot of Rob Kardashian's new girlfriend Blac Chyna after she was arrested at Austin airport 'for being drunk and disorderly during a flight'

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She has shocked fans

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Statement: Bill Cosby, pictured in April, broke his silence amid the allegations of sexual assault on his website. The post thanked fans for their 'outpouring' of support

David Bowie leaves half his \$100million fortune to widow Iman and the other half to his children - and says he wants his ashes scattered in Bali

Joanne Froggatt is classic in black as she and husband James Canning enjoy date night at SAG Awards party Lady Mary's loyal servant Anna

Has Charles and Diana's toxic divorce scared Harry off marriage for life? Prince's friends ask if the terminally single royal will ever find love

Melanie Griffith and Stella Banderas are mother-daughter fashionistas as they dress casual cool during shopping trip in Beverly Hills

Ready to mingle! Zendaya dazzles in LBD with a sassy new blonde 'do at party to kick off her shoe line The 19-year-old singer sported a blonde hairdo

Billion dollar daddy's girl: She flew to school by helicopter. Now Britain's richest teen - whose father is Roman Abramovich - parties with the Beckhams

'I could play all night': Topless Perrie Edwards appears to poke fun at ex Zayn Malik's Pillowtalk debut with snap... as he admits solo material IS about her

Pregnant Nicky Hilton dons skinny jeans in West Hollywood... the day after her Uncle Monty Brinson's funeral Can still fit into tight denim

Daisy Lowe JUST conceals her modesty with heart-shaped pasties as she puts on an amorous display with new boyfriend Thomas Cohen for birthday fun

'It's so heavy I can't lift my arm up!' Mariah Carey gushes about her 35 carat diamond ring and her fiancé James Packer Gushing

Letting off steam! Amber Rose displays her pert derriere in pink bodysuit as she hits the gym after Twitter battle with ex Kanye West Grabbed a workout

Ready in a flash! Jennifer Garner rushes out of the house with wet hair to pick up daughters Violet and Seraphina from school Like any busy mom

Kylie Jenner steps out for dinner in Calabasas but keeps mum on brother Rob's new girlfriend Blac Chyna



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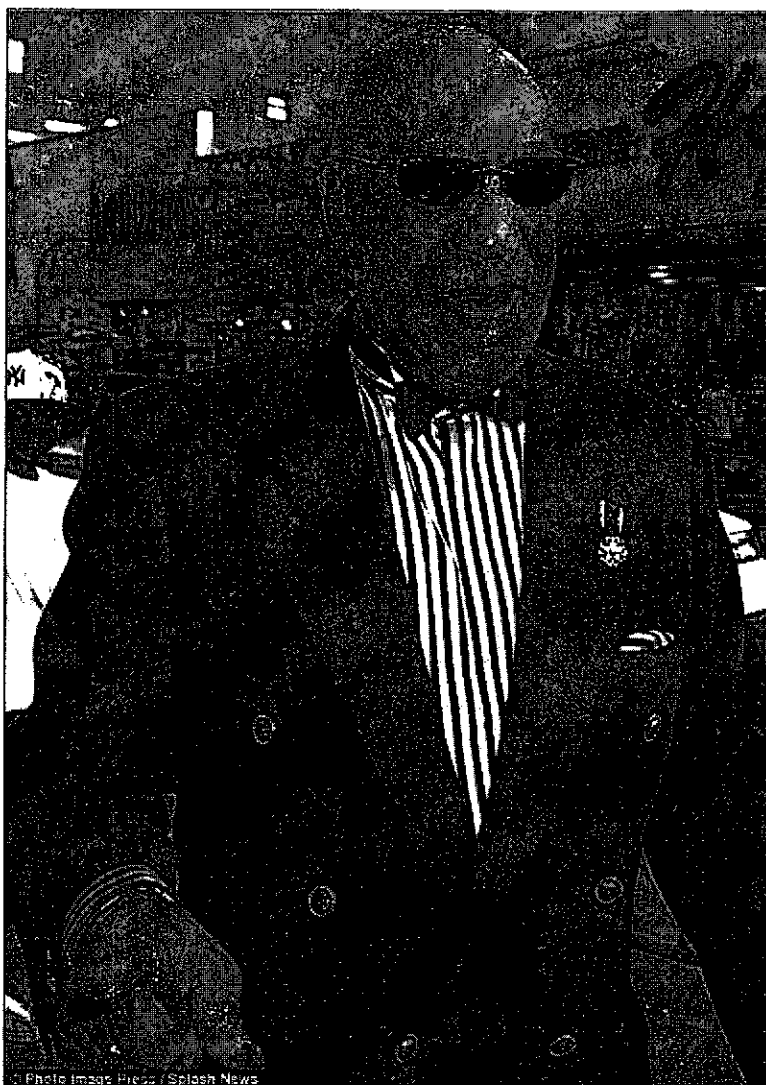


Photo Image Press / Splash News

Paid out: Bill Cosby and Andrea Constand came to an out of court settlement in 2006

When asked about the rape charges by NPR Weekend Edition host Scott Simon last week, Cosby - joined by his wife of 50-years Camille - shook his head, wagged his finger and gave an 'impish, delightful' smile.

A day later the comedian's lawyer called the charges 'discredited' and said the 'fact that they are being repeated does not make them true. The star would not 'dignify' the allegations with a response, he added..

'He would like to thank all his fans for the outpouring of support and assure them that, at age 77, he is doing his best work. There will be no further statement from Mr. Cosby or any of his representatives.'

Bill Cosby silent on rape allegations during NPR interview



after 'drunk and disorderly arrest'

Just like Yeezus! Kim Kardashian shares sweet snap of North and Kanye's matching snarl... but stays silent on the rapper's Twitter row with ex Amber Rose

Back in black! Rachel Griffiths cuts an elegant figure in another dark dress at the AACTA International Awards...a day after hosting G'Day USA

Selena Gomez cozies up to co-star Paul Rudd at the Sundance premiere of The Fundamentals of Caring. The pair looked very friendly

PICTURED: Ronda Rousey poses naked, showing off her toned physique in painted-on bathing suit for Sports Illustrated shoot. Posed in the Bahamas

'I was afraid to eat apples': Bikini model-turned-online fitness guru reveals her eating disorder battle while telling all women to NEVER diet

Furry pregnant! Anne Hathaway's baby bump is on full display while she heads out carrying big brown shaggy coat. Actress is blossoming

Living the high life! Inside Mariah Carey and James Packer's \$250,000 a month hilltop rental that counts Kourtney Kardashian as one of the neighbors

Forget Mariah Carey's new bling! From Jackie Kennedy to Grace Kelly, infographic details the dazzling history of the world's most iconic engagement rings

'He was having a threesome': Khloé Kardashian recalls walking in on a former boyfriend as he cheated on her 'with two girls he met at the mall'

'I don't let him eat red meat': Blac Chyna says she has Rob Kardashian on a diet as she confirms relationship - while wearing Yeezy Boost trainers

'It's time to get back to work!' Lauren Graham confirms that Gilmore Girls revival has been officially given the go-ahead at Netflix. Making a comeback

Louis Tomlinson's former flame Briana Jungwirth cuts a stylish figure in wet look leggings as she spends the day with her mother and baby son Freddie

'We've all got it coming sooner or later':

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However, this was later taken down and today, a joint statement from Dolores Troiani, counsel to Andrea Constand, and John P. Schmitt, counsel to Bill Cosby, statement was posted on billcosby.com saying: 'The statement released by Mr. Cosby's attorney over the weekend was not intended to refer in any way to Andrea Constand.'

'As previously reported, differences between Mr. Cosby and Ms. Constand were resolved to the mutual satisfaction of Mr. Cosby and Ms. Constand years ago. Neither Mr. Cosby nor Ms. Constand intends to comment further on the matter.'



Keeping quiet: Andrea Constand declined to comment on the latest allegations of sexual assault made by women against Bill Cosby

 **andrea constand** @tweatyout 6h

My heart goes out to you: Be who you are and say what you feel because those who mind don't matter and those who matter don't mind-dr Seuss

Support: Andrea Constand has been posting a series of supportive messages on her Twitter feed

Joan Tarshis, a former publicist, is now the latest to accuse Cosby of rape, claiming he assaulted her on two occasions in 1969, when she was 19.

Joan wrote an essay for Hollywood Elsewhere, published on Sunday, saying that she felt she could not come forward because Cosby was idolized - but said she was going public in the wake of accusations made by other women.

'I thought nobody would believe me because of his image, you know, whiter than snow,' she told The Wrap.

Lucious Lyon's son Hakeem pulls a gun on him in dramatic new clip for Empire
Teasing its return

You'll have to make them an offer they can't refuse: Items belonging to the author of The Godfather to be auctioned off including letters to Marlon Brando

No laughing matter! Mike Epps files for divorce from his wife of a decade Michelle ... six months after she caught him flirting on Twitter
They have two daughters

Estranged couple Megan Fox and Bryan Austin Green sell their cute LA home for a cool \$2.8million
In the Toluca Lake neighbourhood of LA

'I don't hate him': Growing Pains vet Tracey Gold clears up 'foaf' with co-star Kirk Cameron about his 2012 anti-gay marriage comments

Pounding the pavement! Claire Danes shows off her toned figure in leggings while on a jog in Santa Monica
Brightened up streets of Santa Monica

Free as a bird! Model Martha Hunt gets playful in Mexican-inspired poncho during a fashion photo shoot in Miami
She larked around

Rooney Mara vamps it up in retro ruffled dress... and wins the AACTA Award for best supporting actress
She is also up for a SAG Award

Showing off her pregnancy glow! Ivanka Trump flaunts a radiant complexion as she goes bare-faced for school run - hours after being at her dad's fundraiser

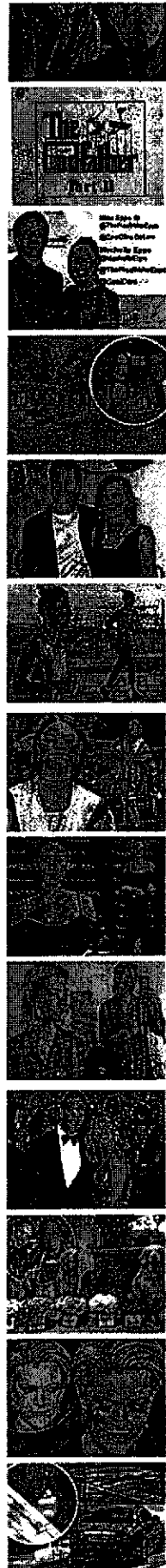
Gisele Bundchen 'timed her trip to Brazil perfectly and did not leave husband Tom Brady in dust' after Super Bowl disappointment

'Happy Birthday to me!': Oprah Winfrey celebrates turning 62 by hiking with her friends while her 'fur children' send greetings with flowers

'Every time she blinks there is a breeze!' Twitter users LASH out at Megyn Kelly over the 'ridiculous' and 'over-the-top' eyelashes she wore during debate

Trying to talk some sense into him? Kris Jenner pictured arriving at Blac Chyna's house after son Rob Kardashian moved in just days before

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From: Tom Hanks' 'The Green Book' and 'The Irishman' to Bill Cosby's 'The Cosby Show'



0:00 / 6:14



Allegations: Barbara Bowman claims years of hell at the hands of Bill Cosby

And Barbara Bowman, who last month described her years of hell at the hands of the comic legend exclusively to MailOnline, is now asking him to acknowledge her claims.

She said: 'I understand why more women have not spoken up. But my plea is that ANY women sexually abused by Bill Cosby come forward now and speak out. You have an obligation to survivors. If you don't speak out, you're helping no one, including yourselves. If nothing else, don't you deserve closure yourselves? Your daughters are not immune to this if we all stay silent. What kind of message are we sending to our own children?'

'This is why I'm speaking out. Wouldn't you like your daughters to learn how to stay safe from sexual predators? That's why I'm pushing so hard.'

Cosby has never been charged with any crime relating to the allegations now swirling around him.

Read more:

New Bill Cosby Accuser Reveals Troubling Details of Two Alleged Rapes - TheWrap

Bill Cosby - The official website for everything Bill Cosby, from his life on the stage and screen to his accomplishments as an author and influential voice of America.

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Australia's Got Talent
besties Kelly Osbourne
and Sophie Monk walk
arm-in-arm through
Sydney before going to
celebrity hotspot



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Washington and her
ex-NFL player husband
sell their Hollywood
Hills mansion for
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Originally listed the home
for higher price



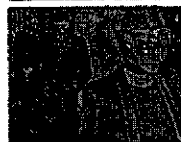
Flying in style! Kendall
Jenner is effortlessly
chic in gold wraparound
top and long dark coat
as she arrives at LAX
Has been traveling the
world on modelling jobs



Going incognito!
Salma Hayek covers
up in parka and furry hat
for coffee run in chilly
NYC while on break
from filming comedy
Kept a low profile



Sartorially in sync:
Newly-engaged Rosie
Huntington-Whiteley
goes braless as she and
Jason Statham dress in
all-black for London
date night



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Kourtney Kardashian
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partying took its toll as
she labels him her 'baby
daddy'



Making Waves! Kanye
West to promote his
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Phelps flashes his abs
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Arizona State
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Caine's calamities: He
might be a movie
legend, but Michael
Caine's the first to admit
that he's made a load of
hilariously bad flops



Narcos star Boyd
Holbrook says he used
work as a distraction
after Elizabeth Olsen
ended their engagement
on the same day he
learned a friend had
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Wakefield can't keep
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other as they enjoy a
VERY long goodbye
PDA in Beverly Hills



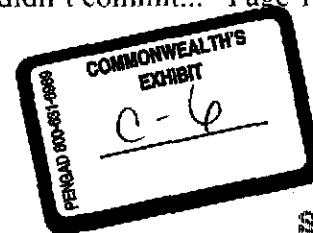
Puppy love! Cheeky
Cara Delevingne
cozies up to Ben
Stiller's dog before
copping a feel of the
actor's butt as they film
hilarious Zoolander 2
promo in Paris



'I don't think it's it for
Mulder and Scully':
X-Files creator Chris



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The Washington Post

Morning Mix

Prosecutor who declined to charge Bill Cosby in 2005 'I didn't say that he didn't commit the crime'

By Justin Wm. Moyer November 19, 2014

In an interview with NBC10 in Philadelphia, a former prosecutor explained why he didn't charge Bill Cosby with sexual assault in 2005 even though he thought Cosby "did it."

"At the time I remember thinking that he probably did do something inappropriate," said Bruce Castor, a former district attorney in Montgomery County, Penn. "But thinking that and being able to prove it are two different things."

As NBC reported, a former Temple University employee said Cosby drugged and sexually assaulted her in 2004 in his home in Cheltenham, Pa.. Castor, now a county commissioner, explained the difference between thinking someone is guilty and charging him.

"I didn't say that he didn't commit the crime," Castor said. "What I said was there was insufficient, admissible, and reliable evidence upon which to base a conviction beyond a reasonable doubt. That's 'prosecutors speak' for 'I think he did it but there's just not enough here to prosecute.'"

The urge to prosecute the famous comedian was strong, Castor said, but he had to resist.

"As much as I wanted to go forward, there wasn't enough evidence and prosecutors are bound by the law," he said. "I mean, I'm not a fool. I recognize that had I arrested Bill Cosby it would've been front page news at every newspaper in the world and led every broadcast in the world. In my position that's something that might be of value to me."

Castor also said the alleged victim's delay in speaking out hurt the case.

"You lose the ability to test for blood or intoxicating agents, whether she was drugged," he said.

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LOTTERY

Collections • Bill Cosby

Time hasn't run out on possible charges against Cosby in Pa.



Andrea Constand told police that Cosby had drugged and molested her in January 2004 at his Cheltenham mansion. The prosecutor declined to pursue the case. RON BULL / Toronto Star, ZUMA Press



GALLERY: Risa Vetri Ferman will neither confirm... (CLEM MURRAY...)

By **Jeremy Roebuck and Laura McCrystal**, Inquirer Staff Writers

POSTED: September 14, 2015

Dozens of women have come forward this year to accuse Bill Cosby of sexual misconduct, their allegations bonded by one undisputed fact: Each claim is too old to prosecute.

But the clock is quietly ticking in Montgomery County on an exception.

A decade ago, Andrea Constand first reported to police that Cosby had drugged and molested her during a January 2004 dinner at his Cheltenham mansion. Under Pennsylvania's 12-year statute of limitations on felony sex crimes, prosecutors still have until January to bring charges.

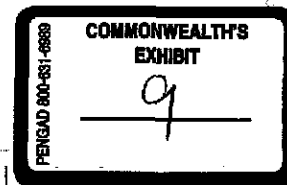
And though Constand's claim was once investigated and closed, hers may be the rare allegation that has actually grown stronger with time, according to interviews with a dozen veteran sex-crimes prosecutors, defense lawyers, and criminal justice experts.

Montgomery County District Attorney Risa Vetri Ferman would neither confirm nor deny whether her office was reconsidering the case her predecessor closed a decade ago.

However, in a statement Friday, she said: "I believe prosecutors have a responsibility to review past conclusions, whether their own or a predecessor's, when current information might lead to a different decision."

Whether Constand, now 42 and living in Toronto, would agree to cooperate in such a prosecution is unclear. She and her lawyer, Dolores Troiani, did not respond to requests for comment.

Cosby and his attorneys have repeatedly declined to discuss the allegations beyond denying that he assaulted Constand or any other woman.



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"Even though they decided at that time not to press charges, the bottom line is it is still incriminating evidence," she said.

Cosby's own descriptions of the January 2004 encounter with Constand might also help investigators fill in previously unclear details from that night.

Because she was unconscious at the time, Constand only recalled Cosby groping her when she made her initial report to police. As a result, Castor's office was looking primarily at misdemeanor charges, which carry a two-year statute of limitations.

In the newly released deposition excerpts, however, Cosby described more advanced sexual activity with Constand that night. According to the transcript, Cosby recalled a phone conversation some time after the alleged attack in which he said of his contact with her: "It was digital penetration."

If true, such a statement could form the basis for a more serious felony charge, such as aggravated indecent assault, legal experts said.

Cosby's lawyers are likely to fight any effort to introduce that deposition transcript at a trial. They have argued in separate legal proceedings that it was improperly released and remains subject to a confidentiality agreement the comedian signed with Constand in settling the civil suit.

But defense lawyers would face a challenge in trying to bar it in a criminal case, said Lisae C. Jordan, director of the Sexual Assault Legal Institute in Maryland.

"Even if you can make that argument, a judge will have to decide whether it would be unfair," she said. "That's going to be a hotly contested issue between the prosecution and the defense."

A decision looms

Despite the new claims, it is unclear if Constand wants to reopen her case.

Since settling with Cosby almost a decade ago, she has been barred from speaking publicly about her allegations. That restriction, however, is unlikely to prevent her participation in a possible prosecution, said Clune, the Denver lawyer.

"You can't reach a private agreement between parties that would prevent somebody from testifying if they're given a lawful subpoena," he said.

And in recent court filings, Constand has signaled a desire to speak out. In July, she asked a federal judge in Philadelphia to void the terms of her confidentiality agreement with Cosby.

For his part, Castor remains skeptical about the success of any new prosecution.

"Even today, if I had all the stories that have now accumulated, I'd have to look long and hard before I brought charges," he said.

His comments are more than speculation. He is running in November to regain the seat as district attorney.

But it is Ferman who must ultimately decide - with just four months until Constand's time runs out. That span coincides with the end of her tenure as prosecutor, and her attempt to win a judgeship.

For now, she's keeping quiet on where she stands.

"While it takes tremendous courage for a victim of a sexual assault to stand up and speak out, charging decisions are not made based on our respect for the courage of a witness," she said. "Rather, they are made based upon a review of the factual information available at the time and a prosecutor's analysis of whether allegations of criminal conduct can be proven beyond a reasonable doubt."

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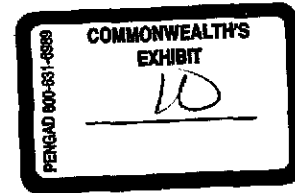
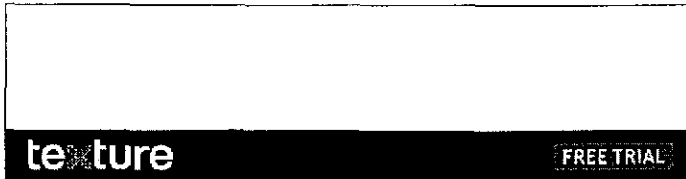
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Pennsylvania District Attorney Candidates Battle it Out Over the 2005 Bill Cosby Sexual Assault Allegations

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Kevin Steele (left) and Bruce L. Castor Jr.
CHRISTOPHER DOLAN/REUTERS; TIMOTHY A. CLARY/REUTERS

BY NICOLE WEISENSEE EGAN @nweisenseeegans UPDATED 10/23/2015 AT 09:05 AM
EDT -ORIGINALLY PUBLISHED 10/22/2015 AT 07:05 PM EDT

The two candidates for district attorney in Montgomery County, Pennsylvania are attacking each other with television ads over sexual



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Just two days after Democratic candidate Kevin Steele released a new television ad, attacking Bruce L. Castor, Jr., a Republican, for not prosecuting Bill Cosby in 2005 when he was district attorney, Castor released his own television ad attacking Steele, who is the county's current first district attorney, for doing nothing.

"Kevin Steele had the power to help victims of Cosby but he sat on his hands," Castor, who is now a county commissioner but is running for his old job, says in the TV ad.

Steele says he and Castor differ over how they treat alleged crime victims, which is why he released his ad Oct. 20.

"This ad highlights how he treats victims as opposed to how I handle things," Steele tells PEOPLE a little less than two weeks out from the November 3 election. "I go after sexual predators."

G. Terry Madonna, a political analyst at Franklin & Marshall College in Lancaster, Pennsylvania, called the ad "potentially very devastating" and said it could make a difference in the election "unless there's some kind of adequate response" from Castor.

"Castor has to deal with the decision he made in 2005 and convince the voters this was a reasonable choice," Madonna tells PEOPLE.



Andrea Constand
SON BULL / CHRONIC STAR / ZUMA

In January 2005, former Temple employee Andrea Constand told authorities that Cosby, now 78, had drugged and sexually assaulted

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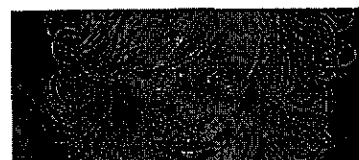
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Country Singer Joey Feek: Preparing for Her Final Goodbye

her at his Elkins Park, Pennsylvania, mansion the previous January. Castor declined to charge Cosby, citing "insufficient credible and admissible evidence."

Constand subsequently filed a civil suit against Cosby, which he settled with a confidentiality agreement in late 2006.

In Steele's new ad, entitled "Trust," the announcer refers to Castor as "the former DA who refused to prosecute Bill Cosby," adding, "many more victims came forward and Castor admitted he could have used their testimony against Cosby" but that he "didn't even try."

"Bruce Castor is not looking out for the victims," the ad concludes.

Castor did not respond to requests for comment from PEOPLE but responded to the ad on his Facebook page and with an ad of his own.

"So much for a 'clean campaign!'" he wrote on Facebook. "I particularly love this quote from the ad: 'Many more victims came forward, and Castor admitted he could have used their testimony against Cosby. But Castor didn't even try.' No kidding. I don't try because I was no longer the DA when the information became available!"

In the ad, Castor about the Cosby case, saying he did not know the identities of the other accusers while he was in office.

"But Kevin Steele could have done something because he is still a prosecutor," Castor says in the ad. "Now he's trying to blame me for his mistakes and incompetence. Despicable desperation politics. Disgusting lies. Kevin Steele had the power to help victims of Cosby but he sat on his hands."

Steele responds by saying that unlike Castor in 2005, since he is not the district attorney, he does not have the power to make decisions like that

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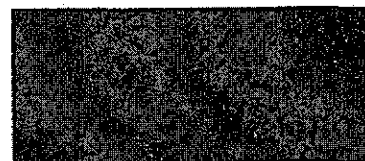
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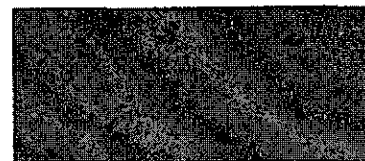
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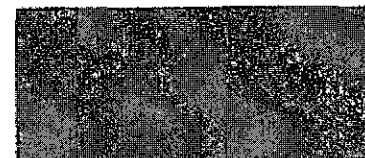
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10 Best Celeb Quotes This Week

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HOME NEWS VIDEOS PHOTOS SNYLY BABIES ROYALS PREMIUM These SAG Award Nominees Did What for Past Roles?!

"In 2005, Castor failed to prosecute Cosby," he tells PEOPLE. "That is a decision that the district attorney made. I am not the district attorney so the bottom line is I don't get the final call at this point."

After Constand's case made headlines in January 2005, about a dozen women contacted Castor's office saying that they, too, had been drugged and/or sexually assaulted by the entertainer. The women came to Castor before he announced he was not going to arrest Cosby.

Castor acknowledged that multiple women had brought to him complaints that Cosby had behaved inappropriately in his Feb. 18, 2005 press release announcing he would not be filing charges against the entertainer.

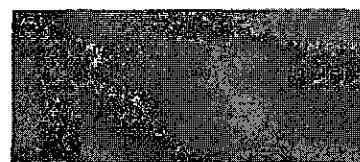
"Lastly, the District Attorney reviewed statements from other persons claiming Mr. Cosby behaved inappropriately with them on prior occasions," the statement said. "However the detectives could find no instance in Mr. Cosby's past where anyone complained to law enforcement of conduct, which would constitute a criminal offense."

The list of women accusing Cosby of drugging or sexually assaulting them has now grown to more than 50. Cosby, through his attorney, Martin Singer, has denied all allegations, saying in a statement last November that claims "about alleged decades-old events are becoming increasingly ridiculous." (Cosby has since replaced Singer on two lawsuits filed against him.)

Current District Attorney Risa Vetri Ferman, who is running for judge in Montgomery County, neither confirmed nor denied she has reopened Constand's case but said in a statement to PEOPLE, "A decision made by one District Attorney may be revisited, at any time up to the expiration of the statute of limitations, either by a new District Attorney and/or because additional evidence has been discovered," she said in a statement given to PEOPLE.

"Up until the time that the statute of limitations expires, charges can always be brought," the statement said. "As ministers of justice, I believe prosecutors have a responsibility to review past conclusions, whether their own or a predecessor's, when current information might lead to a different decision."

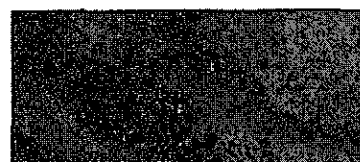
Steele also criticized Castor for his comments on Constand last month on his Twitter and Facebook pages, in which he appeared to question her credibility.



'If It Doesn't Fit, You Must Acquit': The Most Fascinating Moments from the O.J. Simpson Trial (and Beyond)



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Bruce Castor

September 12 at 4:15pm · PA

Inky: Cosby victim told police much different than she told the court in her lawsuit. First I saw that in a story. Troublesome for the good guys. Not good.



Time hasn't run out on Pa. Cosby case

Dozens of women have come forward this year to accuse Bill Cosby of sexual misconduct, their allegations bonded by one undisputed fact: Each claim is too old to prosecute.

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Bruce Castor's social media post

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"I think they are examples of belittling a victim," Steele says. "I think the voters should consider his judgment and I think they should consider how he has treated a victim – that he has made comments about her instead of being compassionate."

Constand's attorney, Dolores Troiani and her former law partner Bebe Kivitz, sent Castor an open letter last month blasting him for the comments and demanding an apology and retraction.

"The tweet can only be viewed as a defamatory comment as to the character of our client," they wrote, according to a copy of the letter obtained by PEOPLE. "It appears that it is your intention to create an issue regarding our client's credibility."

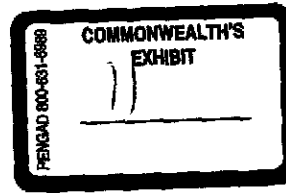
Troiani also alleges that Castor treated Constand poorly when he was investigating the case in 2005.

"He treated Andrea with total disrespect and disregard for her as a victim," Troiani told PEOPLE last month.

Castor told *The Philadelphia Inquirer* he didn't owe Constand an apology.

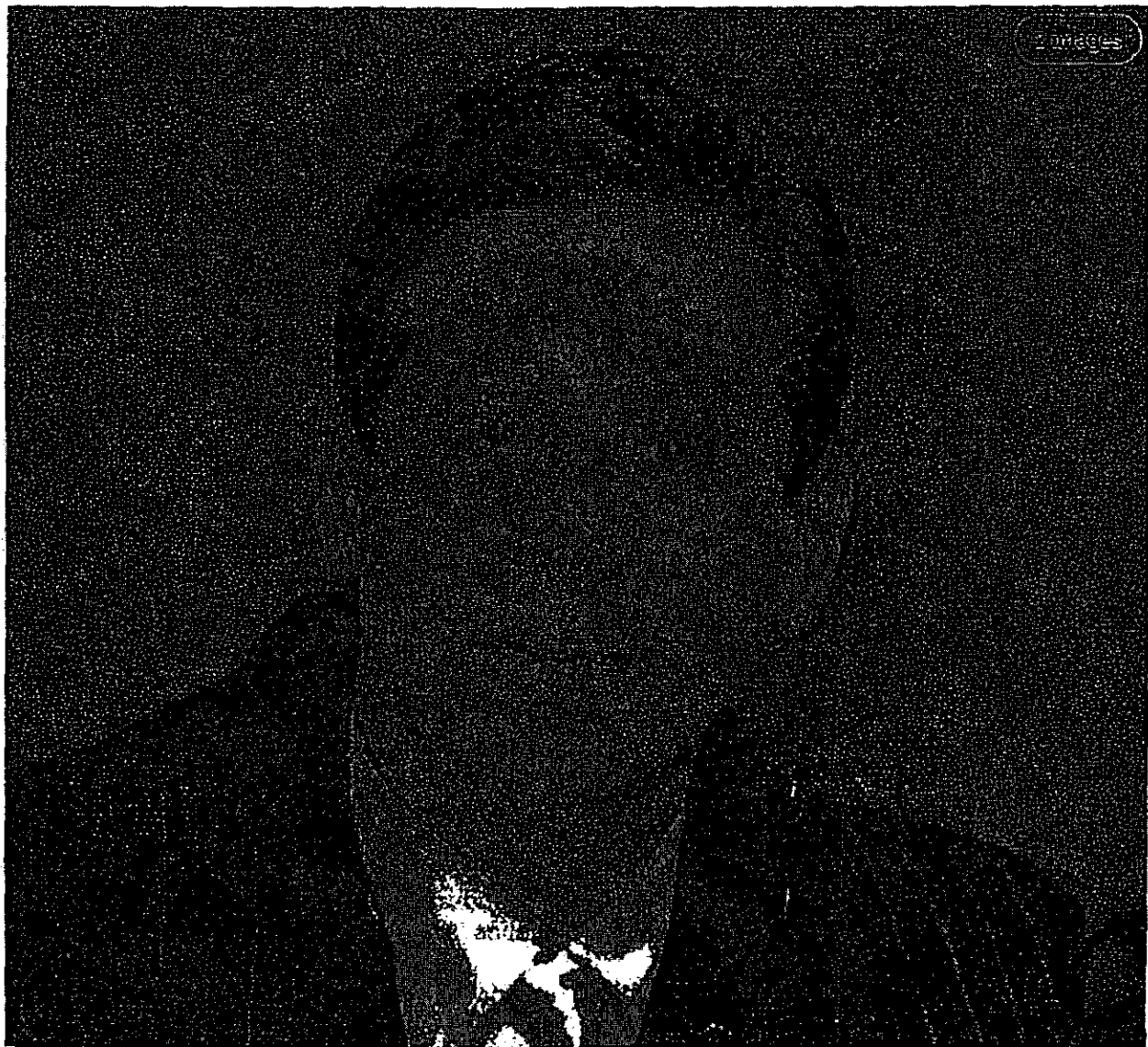
"I don't apologize for making decisions based upon the law and the evidence," he told the paper. "Do I wish that there was evidence [in 2005] that would have supported the arrest of Cosby? Yeah."

AROUND THE WEB



09/25/2015 17:02:14

Montgomery DA candidate Castor urges delay in Cosby case until after elections



1

By Margaret Gibbons, Staff writer | Posted 21 hours ago

While refusing to confirm those statements, Ferman issued a statement saying, "A decision made by a district attorney may be revisited at any time up to the expiration of the statute of limitations either by a new district attorney and/or because additional evidence has been discovered."

That 12-year statute of limitations on felony sex charges is slated to expire early next year, although prosecutors may be able to extend that period if they can prove Cosby was out of Pennsylvania for extended periods of time, according to two legal sources who did not want their names linked to the case.

"I believe prosecutors have a responsibility to review past conclusions, whether their own or a predecessor's, when current information might lead to a different decision," said Ferman, who was Castor's first assistant district attorney at the time the initial decision was made.

The Montgomery County investigation of Cosby involved allegations made by Andrea Constand, who at the time was a 31-year-old former employee of the Temple University Athletic Department. Constand alleged that during a visit to Cosby's home in Cheltenham in January 2004, Cosby gave her a pill that made her too groggy to resist when he later inappropriately sexually touched her.

Constand, a native of Canada, did not report the alleged incident to Canadian authorities until Jan. 15, 2005. They, in turn, contacted Cheltenham police, who asked for the assistance of the Montgomery County District Attorney's Office.

Part of the problem, said Castor, was that the alleged incident occurred more than a year earlier, preventing authorities from getting any meaningful physical evidence.

Citing an extensive investigation, Castor issued a press release in February 2005 that said, "After this analysis, the district attorney concludes that a conviction under the circumstances of this case would be unattainable. As such, District Attorney Castor declines to authorize the filing of a criminal complaint in this matter."

Castor, who would have normally made that announcement at a press conference, said he opted for a "more carefully worded" press release than his "off the cuff remarks" at a press conference so as not "to pollute jurors" in potential civil litigation that Constand intended to file against Cosby.

That press release addressed the same issue, stating, "Because a civil action with a much lower standard of proof is possible, the district attorney renders no opinion concerning the credibility of any party involved so as not to contribute to the publicity and taint of prospective jurors."

Constand did file a lawsuit that was subsequently settled out of court.

At the same time he decided not to pursue criminal charges against Cosby, Castor said he signed off on a written declaration saying his office would not prosecute Cosby on any information coming out of the civil litigation. This prevented Cosby from citing his Fifth Amendment rights not to incriminate himself during the civil litigation, according to Castor.

He added that declaration was done with the agreement of Constand's lawyers.

In a deposition that he gave in the civil lawsuit, Cosby provided sworn testimony admitting to having sex with some women and giving some women drugs but denied sexually assaulting

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any of the multiple women that have since come forward with claims similar to those made by Constand. That deposition was unsealed this summer.

Without that Fifth Amendment declaration, "there would have been no deposition," said Castor.

Castor said it is unlikely that a judge would allow the contents of that deposition to be used against Cosby in a criminal case.

This could change if there was some new evidence that has surfaced of which he is not aware, said Castor.

If prosecutors are relying on testimony from other women alleging they also were sexually victimized by Cosby to prove a "common scheme," that other-crimes' evidence loses credibility if these incidents went unreported at the time that they occurred, according to Castor.

"Unless a prosecutor believes there is a reasonably good chance of proving a case beyond a reasonable doubt based on admissible evidence, the prosecutor should not approve an arrest," said Castor.

Dolores Troiani, Constand's lawyer, declined comment on the Cosby case.

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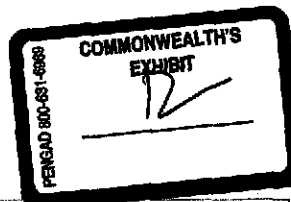
Ken Mugler on Eucahristic Congress



Cook This! with Shereen - Tomato Basil Soup 2

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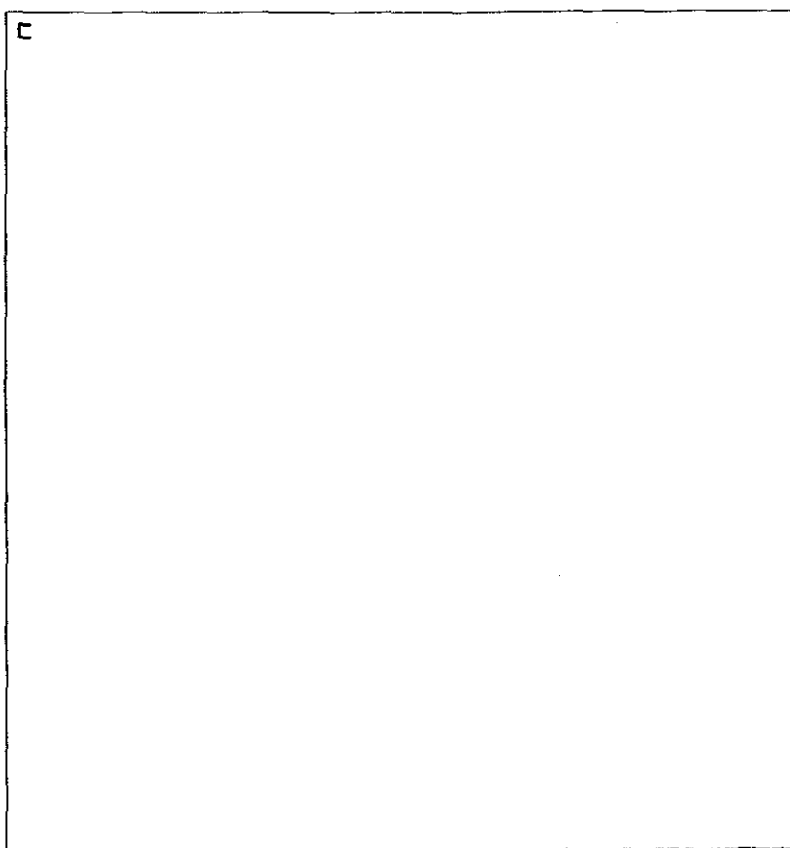
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Castor could be key witness at Cosby hearing



FILE PHOTO / GETTY IMAGES

Former Montgomery County District Attorney Bruce Castor (left) and Bill Cosby.

by **Laura McCrystal and Jeremy Roebuck**, STAFF WRITERS.

Bruce L. Castor Jr. has said he thought Bill Cosby was guilty.

He has said he would like a chance to prosecute the comedian himself.

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In multiple interviews over the previous year, Castor had stopped short of describing such an agreement. Instead, he portrayed his Feb. 17, 2005, news release on the investigation as his own bid to push Cosby to testify in the civil case.

In that statement, Castor declared there was "insufficient" credible and admissible evidence to win a conviction.

"I made a decision that the case . . . was never going to get any better based on what I knew," he told *The Inquirer* in October. "And I thought that having Cosby punished by having to go through a civil trial or pay a lot of money to avoid it would stop him from engaging in future conduct and would exact some measure of punishment."

But the prosecutors leading the case now have pointed to another sentence in the statement to argue there was no agreement with Cosby: "District Attorney Castor cautions all parties to this matter that he will reconsider this decision should the need arise."

Castor has since said that he was referring to his decision not to discuss the case, not his decision to decline prosecution. But in an interview in fall, Castor suggested the release had actually left the door open to revisit the allegations.

"I put in there that if any evidence surfaced that was admissible then I would revisit the issue," he told *The Inquirer* in September. "And that evidently is what the D.A. is doing."

Ferman reopened the case after parts of Cosby's 2006 civil deposition were unsealed last summer. In it, he talked openly about his encounter with Constand, which he describes as consensual, and admits obtaining drugs to give to women with whom he wanted to have sex.

Dozens of women have come forward to accuse Cosby of drugging and assaulting them, although Constand's claims are the only ones that have led to criminal charges.

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After learning the investigation had been reopened, Castor said, he contacted Ferman through the email now cited by Cosby's lawyers as proof of a non-prosecution deal.

"I wanted to make sure that she knew what I remembered and matched that with what she remembered," Castor told *The Inquirer*. "It never occurred to us that we would have to think about this case again."

At the time, Castor was locked in an election battle with Steele, Ferman's first assistant. Weeks later, Steele ran a TV ad attacking Castor for not prosecuting Cosby a decade earlier.

Castor fired back in his own ad, claiming Steele could have arrested Cosby as new information surfaced. And Castor continued to maintain in interviews that, if elected, he would review the case.

"I have said repeatedly and for months that if I ever get the opportunity where I get the power to review the investigation into Cosby, I would do so," he said before the election.

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February 2, 2006

Court: Cos must answer queries about article

Michael Hinkelman

Feb. 2--A federal judge has ruled that entertainer Bill Cosby must answer questions about whether the National Enquirer paid him for an interview and, if so, how much, and whether he thought its article after the interview was accurate.

Cosby is being sued by a former official of the Temple University women's basketball program, Andrea Constand, who claims Cosby defamed her in an Enquirer story published last March.

Constand, 32, also alleges that Cosby drugged and sexually assaulted her at his Cheltenham mansion in January 2004.

Cosby denies the allegations, and Montgomery County District Attorney Bruce Castor decided not to file criminal charges last February, saying the evidence was not sufficient to sustain a case beyond a reasonable doubt.

In his interview with the tabloid, Cosby said he wasn't going to "give in" to people who were trying to "exploit" his "celebrity status."

Cosby's attorneys have said in court papers that the entertainer was speaking generally and not specifically about Constand when he made the comments.

In a ruling late Tuesday, U.S. District Court Judge Eduardo Robreno said Constand's attorneys could question Cosby about his negotiations with the tabloid - including any information revealed to Cosby by his attorney, Marty Singer, that was obtained from third parties - as well as terms of a "source agreement" he had with the tabloid.

Constand's attorneys wasted no time in filing a complaint yesterday against Singer and the tabloid. Bebe Kivitz, a lawyer for Constand, declined comment on the complaint.

During a court hearing last month, Constand's lawyers also sought a "draft" of the story shown to Cosby. One of Cosby's lawyers said at the hearing the entertainer reviewed the article before it was published and had an opportunity to comment on it.

Among other key rulings in the 27-page order were the following:

-- Cosby must answer a question about the night of the alleged sexual assault and not simply read from a statement he gave police. During his deposition, Cosby attempted to read from the statement when asked to recall events in his own words.

-- Cosby must answer questions about any alleged history of sex or drug use involving himself and Constand; alleged sexual encounters with other women, so-called "Jane Doe" witnesses, who have come forward with allegations similar to Constand's; and alleged sexual encounters and drug use with unrelated third parties, but only in the five years preceding the filing of Constand's lawsuit.

-- Constand must answer questions about her "interactions" with two Philadelphia lawyers before she first contacted police.

-- A motion to sanction Cosby's attorneys for the entertainer's conduct at his deposition was taken under advisement by the judge.

Meanwhile, Robreno said both Cosby's and Constand's incomplete depositions would "continue to be conducted in private" and that notes of deposition testimony would remain sealed.

Once depositions are finished, Robreno said he would re-evaluate whether there is "good cause" for motions and notes related to depositions, as well as transcripts, to remain sealed.

In November, Robreno sealed all notes, motions and memoranda related to discovery in the case.

--- Index References ---

News Subject: (Assault & Battery (1AS33); Crime (1CR87); Criminal Law (1CR79); Government Litigation (1GO18); Judicial Cases & Rulings (1JU36); Legal (1LE33); Sex Crimes (1SE01); Social Issues (1SO05); Violent Crime (1VI27))

Language: EN

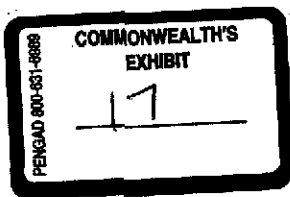
Other Indexing: (Andrea Constand; Eduardo Robreno; Bruce Castor; Bebe Kivitz; Bill Cosby; Marty Singer)

Word Count: 509

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DISTRICT ATTORNEY

RISA VETRI FERMAN
FIRST ASSISTANT DISTRICT ATTORNEY

OSCAR P. VANCE, JR.
CHIEF COUNTY DETECTIVE

ANNE C. MEYER
OFFICE ADMINISTRATOR

COUNTY OF MONTGOMERY

COURT HOUSE
P.O. BOX 311
NORRISTOWN, PENNSYLVANIA
19404-0311

For Immediate Release

January 24, 2005

DISTRICT ATTORNEY'S OFFICE (610) 278-3000
DISTRICT ATTORNEY'S FAX (610) 278-3005
COUNTY DETECTIVE BUREAU (610) 278-3369

Press Release

Montgomery County District Attorney Bruce L. Castor, Jr. confirmed today that the Cheltenham Township Police and his office are investigating an incident that reportedly occurred in early 2004 at the home of actor and comic Bill Cosby. Cosby maintains a residence in Cheltenham Township.

A 30 year old female former employee of the Athletic Department of Temple University has complained to detectives that Cosby touched her inappropriately during a visit to his home. The woman reported the allegation to police in her native Canada on January 13, 2005 who, in turn, referred the complaint to Philadelphia Police. Philadelphia Police forwarded the complaint to Cheltenham Police. The District Attorney's Office became involved at the request of Cheltenham Chief of Police John Norris.

On January 22, 2005, the woman met with detectives and gave a statement concerning the events she described in her original complaint which she says occurred at Cosby's home. She later met with First Assistant District Attorney Risa Vetri Ferman. Cheltenham and County Detectives are in the process of interviewing other persons who might have knowledge of the incident. In addition, authorities have asked Cosby's lawyer, Walter Phillips, Esq., for permission to interview Cosby.

After detectives complete the investigation, District Attorney Castor will decide if criminal charges against Cosby, or anyone else, are warranted.

Approved for release by:

Bruce L. Castor, Jr.
District Attorney

SC-21
7
02/03/2015
01/27/05



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COURTHOUSE
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OFFICE OF THE DISTRICT ATTORNEY

RISA VETRI FERMAN
DISTRICT ATTORNEY

KEVIN R. STEELE
FIRST ASSISTANT DISTRICT ATTORNEY

SAMUEL J. GALLEN
CHIEF COUNTY DETECTIVE

JESSE S. KING
CHIEF OF STAFF

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July 10, 2015

HAND-DELIVERED

Dolores Troiani, Esquire
1171 Lancaster Avenue
Berwyn, PA 19312

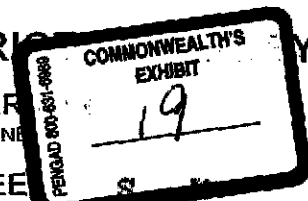
Dear Dolores:

Please allow this letter to serve as our law enforcement request to obtain copies of your files in the Bill Cosby matter. Our request includes copies of the depositions that you conducted in your civil matter against Bill Cosby.

After discussions between you and your client and then with First Assistant District Attorney Kevin R. Steele, we have now reopened the investigation and request that you do not share our request or the existence of the investigation with anyone other than your client, so that we may protect the sanctity of the investigation.

Sincerely,


Risa Vetri Ferman





COUNTY OF MONTGOMERY
COURTHOUSE
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19404-0311

OFFICE OF THE DISTRICT ATTORNEY

RISA VETRI FERMAN
DISTRICT ATTORNEY

KEVIN R. STEELE
FIRST ASSISTANT DISTRICT ATTORNEY

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CHIEF COUNTY DETECTIVE

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(610) 278-3368

September 22, 2015

Dolores Troiani
1171 Lancaster Avenue
Berwyn, PA 19312

Patrick O'Connor
Cozen and O'Connor
200 Four Falls Corporate Center, P.O. Box 800
Suite 400
West Conshohocken, PA 19428

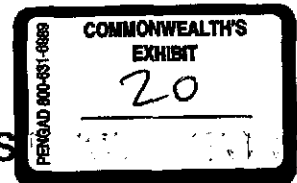
Dear Ms. Troiani and Mr. O'Connor:

I am writing in regard to the Constand v. Cosby case. As you are both aware we have reopened the investigation and I have to make a decision on whether we are going to proceed with a criminal charge against Mr. Cosby. To allow me to make the best and most informed decision I can regarding the case, I am asking for some materials from you that I understand are sealed. Consequently, please allow this letter to serve as my formal request for both of you to provide any portions of the settlement agreement that may concern the bringing of criminal charges or any understands thereof. I understand that this may only entail you providing me a redacted copy of the agreement. I would appreciate you getting me these materials as soon as possible. Thank you for your anticipated cooperation with my request.

Sincerely,

Risa Vetri Ferman

RVF/hm



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TROIANI & GIBNEY, L.L.P.

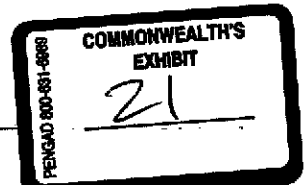
ATTORNEYS AT LAW

DOLORES M. TROIANI, ESQUIRE
dmt@tglawoffice.com

1171 LANCASTER AVENUE
SUITE 101
BERWYN, PA 19312

(610) 688-8400
FAX (610) 688-8426

KIMBERLY M. GIBNEY, ESQUIRE
kcg@tglawoffice.com



September 23, 2015

Risa Vetri Ferman, District Attorney
Montgomery County District Attorney's Office
County Courthouse, 4th Floor
P.O. Box 311
Norristown, PA 19404-0311

RE: Constand v. Cosby (Consolidated)

Dear Ms. Ferman:

Pursuant to your letter, I have enclosed pages 9 and 13 of the confidential settlement in the above captioned case. Ms. Constand agreed not to initiate a criminal complaint and as you are aware, your office initiated the contact with Ms. Constand in July. Your office requested documents and further requested in writing that no notice of that request be given to the defendant's counsel.

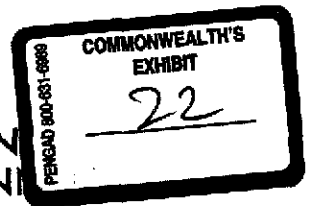
In negotiating the provisions of the agreement concerning any potential criminal investigation, it was agreed that it was most likely a violation of federal law, and certainly against public policy to prohibit someone from cooperating with law enforcement. There were also discussions as to ethical and moral obligations of attorneys who would enter into an agreement which would interfere with and obstruct the administration of justice. Consequently, the parties agreed that Ms. Constand would not initiate any further proceedings but if contacted by law enforcement she would cooperate fully. All parties were aware that the investigation was subject to the jurisdiction of your office and that the parties did not have the legal authority nor ability to bind your office with regards to any investigation.

If you need any additional information, please do not hesitate to ask.

Very truly yours,


Dolores M. Troiani

cc: Patrick O'Connor, Esquire



September 24, 2015

Patrick J. O'Connor

Direct Phone 610-941-2375

Direct Fax 215-701-2024

poconnor@cozen.com

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0000 7 0000-0000-0000

Honorable Risa Vetri Ferman
District Attorney
County of Montgomery
Courthouse
P.O. Box 311
Norristown, PA 19404-0311

Re: Constand v. Cosby

Dear Ms. Ferman:

With the consent of Dolores Troiani, I am sending you a redacted first page of the Confidential Settlement Agreement and General Release entered into by Andrea Constand, William H. Cosby, Jr., as well as others and a redacted page 9 of the Agreement which pertains to your request. This, of course, does not waive the parties' rights to continued confidentiality with respect to the Agreement as contained in its terms.

Sincerely,

COZEN O'CONNOR

PATRICK J. O'CONNOR

PJOC:jk

cc: Dolores Troiani, Esquire

**CONFIDENTIAL SETTLEMENT
AGREEMENT AND GENERAL RELEASE**

This Confidential Settlement Agreement and General Release is entered into as of
October 16, 2006 by Andrea Constand, William H. Cosby, Jr., Martin D. Singer, Esquire,
American Media, Inc., Gianna Constand, Andrew Constand, and the undersigned counsel.

1. **REDACTED**

2. **REDACTED**

3. **REDACTED**

4. **REDACTED**

5. **REDACTED**

6. **REDACTED**

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TWEETS BY @BRUCECASTOR

BRUCE'S STORY

Bruce L. Castor, Jr. began with the county as an intern in 1985, became a prosecutor in 1986, and served as the elected District Attorney of Montgomery County, Pennsylvania from 2000 to 2008. In 2007, he was elected Commissioner of Montgomery County, and assumed that office on January 7, 2008. He was re-elected Commissioner in 2011. Mr. Castor is a partner in the Ardmore based law firm of ROGERS CASTOR where he focuses his practice on general litigation, trial and investigative strategy and tactics, and conducting independent internal investigations for major corporations.

EXPERIENCE

During Mr. Castor's career, he prosecuted primarily homicide cases. In 1995, he received the Trial Advocacy Award from the National Association of Government Attorneys in Capital Litigation for his work investigating and prosecuting homicides. He has received recognition for his efforts by the state legislature on two occasions as well as by Governors Ridge and Casey. In 1990, he was named by a Chamber of Commerce as Montgomery County's Law Enforcement Man of the Year. Mr. Castor has been listed on the Martindale-Hubbell Lawyer Bar Register of Pre-eminent Lawyers since 1996 and has been named a "Pennsylvania Super Lawyer" by Philadelphia Magazine in 2005, 2006, 2007, 2008, 2011, 2012, 2013, 2014. The Citizens Crime Commission of the Greater Delaware Valley has honored Mr. Castor multiple times during his career and he was inducted into the Pennsylvania Police Hall of Fame in 2007. The Montgomery Bar Association granted him a Lifetime Achievement Award for Promoting the Rule of Law in 2008. In 2009, Mr. Castor was chosen as a Fellow of the Litigation Counsel of America, the national courtroom lawyer honor society. In both 2013 and 2014, Commissioner Castor was named to America's Top 100 Trial Lawyers.

Prior to becoming District Attorney, Mr. Castor served as First Assistant District Attorney, Deputy District Attorney (Chief of Trials), Assistant District Attorney in charge of the Major Crimes Unit, and as an assistant district attorney on the Sex Crimes Unit. He supervised the County Investigating Grand Jury, and conducted numerous wiretap investigations. He also acted as special prosecutor for the Office of Attorney General on many occasions. He frequently lectured on topics related to criminal investigation and prosecution.

In addition to Pennsylvania, Mr. Castor is a member of the bar of the United States Supreme Court, the District of Columbia Court of Appeals, and the Federal District Court. Mr. Castor is a Past President of the Pennsylvania District Attorneys' Association (holder of that organization's Legion of Merit Award), a member of the Pennsylvania and Montgomery Bar Associations, and a Charter Member of the Pennsylvania Homicide Investigators' Association. He served on the Board of the Montgomery Bar Association and further served as a Trustee of Norristown State Hospital having been appointed by Governor Ridge and again by Governor Rendell. He served on the Juvenile Court Rules Committee of the Pennsylvania Supreme Court. Currently, Mr. Castor serves on the Judicial Reform Commission of the Supreme Court addressing issues in the Philadelphia Criminal Court System, and on the joint state government committee of the Senate of Pennsylvania addressing criminal law reforms throughout the Commonwealth.

EDUCATION

Mr. Castor acquired his undergraduate degree from Lafayette College and his law degree from Washington and Lee University, where he received a graduation prize in criminal law. He has received advanced education from the National College of District Attorneys and at the FBI National Academy in Quantico, VA. He is a 33rd Degree Scottish Rite mason, a Shriner, and a Knight Templar.

FAMILY

Mr. Castor is a life-long resident of Montgomery County born and raised in Abington Township, and lives in Lower Salford Township with his wife, Elizabeth. The couple have two grown children, Bruce III a law school student, and Alexandra a college student.

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Lance Rogers

(http://rogerscastor.com/team/member/lance_rogers)

Bruce L. Castor, Jr.

(<http://rogerscastor.com/team/member/br>)

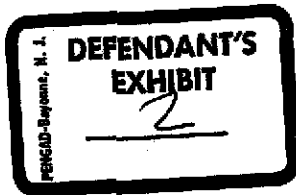
Bruce L. Castor, Jr.



During Mr. Castor's 23 year prosecutorial career, he received the Trial Advocacy Award from the National Association of Government Attorneys in Capital Litigation.

BRUCE L. CASTOR, JR., PARTNER

Bruce L. Castor, Jr. is currently serving his second elected term as Montgomery County Commissioner and focuses his legal practice on general litigation, victims of crime, personal injury, internal corporate investigations, and white collar criminal defense. He joined the firm as a partner on July 1, 2013, after practicing law as a senior partner for five and a half years at another firm.



During Mr. Castor's 23 year prosecutorial career, he received the Trial Advocacy Award from the National Association of Government Attorneys in Capital Litigation for his work investigating and prosecuting homicides. He gained recognition for his efforts by the state legislature on two occasions, as well as by Governors Ridge and Casey. He has been named by the Chamber of Commerce as Montgomery County's Law Enforcement Man of the Year. Mr. Castor has also been listed on the Martindale-Hubbell Lawyer Bar Register of Preeminent Lawyers since 1996 holding that organization's highest rating for legal ability and ethical standards (AV 5 of 5), and has been named a "Pennsylvania Super Lawyer," by Philadelphia Magazine eight times. The Citizens Crime Commission of the Greater Delaware Valley honored Mr. Castor multiple times during his career, and he was inducted into the Pennsylvania Police Hall of Fame in 2007. The Montgomery Bar Association awarded Mr. Castor its Louis D. Stefan award for lifetime achievement promoting the rule of law and administration of justice. He is a Fellow of the courtroom Honor Society Litigation Counsel of America (peer selected) and in 2013, Mr. Castor was named a Top 100 Trial Lawyer of America.

Prior to becoming the twice-elected District Attorney of Montgomery County, Mr. Castor served as First Assistant District Attorney, Deputy District Attorney (Chief of Trials), Assistant District Attorney in charge of the Major Crimes Unit, and as an assistant district attorney on the Sex Crimes Unit. He supervised the County Investigating Grand Jury, and conducted numerous wiretap investigations. He also acted as special prosecutor for the Office of Attorney General on many occasions. He frequently lectures on topics related to investigation and prosecution.

In addition to Pennsylvania's Bar Association, Mr. Castor is a member of the bar of the United States Supreme Court, the District of Columbia Court of Appeals, and the Federal District Court for the Eastern District of Pennsylvania. Mr. Castor is past President of the Pennsylvania District Attorneys' Association (and holder of that organization's Legion of Merit Award), a member of the Pennsylvania and Montgomery Bar Associations (a former director), and a charter member of the Pennsylvania Homicide Investigators' Association. He served on the board of the Montgomery Bar Association and further served as a Trustee of Norristown State Hospital having been appointed by Governor Ridge, Governor Schweiker, and by Governor Casey. The Justices appointed him to the Juvenile Court Rules Committee of the Pennsylvania Supreme Court to help author the Rules from scratch. In 2010, the Pennsylvania Supreme Court appointed Mr. Castor to a "Blue Ribbon Panel" to reform the criminal court system in the

City of Philadelphia. The Pennsylvania Senate tapped Mr. Castor to be part of a committee to make recommendations to the legislature on reforming all aspects of the criminal justice system throughout the Commonwealth and previously, he had a hand in authoring what became the Pennsylvania Rules of Evidence.

Mr. Castor acquired his undergraduate degree from Lafayette College and his law degree from Washington and Lee University where he received the graduation prize in criminal law. He took advanced education from the National College of District Attorneys, and a special class for one prosecutor from each state at the FBI National Academy in Quantico, Virginia. He is a 33rd Degree Scottish Rite Mason being granted the honor "at-large" for his service to the community.

Mr. Castor is a life long resident of Montgomery County and lives in Lower Salford Township with his wife and their two children.

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**ROGERS CASTOR WINS PRECEDENT
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**ROGERS CASTOR FIRM WINS
PRECEDENT SETTING CASE VALUABLE
TO PENNSYLVANIA PROSECUTORS
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RISA VETRI FERMAN
FIRST ASSISTANT DISTRICT ATTORNEY

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PRESS RELEASE

For Immediate Release

February 17, 2005

Montgomery County District Attorney Bruce L. Castor, Jr. has announced that a joint investigation by his office and the Cheltenham Township Police Department into allegations against actor and comic Bill Cosby is concluded. Cosby maintains a residence in Cheltenham Township, Montgomery County.

A 31 year old female, a former employee of the Athletic Department of Temple University complained to detectives that Cosby touched her inappropriately during a visit to his home in January of 2004. The woman reported the allegation to police in her native Canada on January 13, 2005. Canadian authorities, in turn, referred the complaint to Philadelphia Police. Philadelphia forwarded the complaint to Cheltenham Police. The District Attorney's Office became involved at the request of Cheltenham Chief of Police John Norris.

Everyone involved in this matter cooperated with investigators including the complainant and Mr. Cosby. This level of cooperation has helped the investigation proceed smoothly and efficiently. The District Attorney commends all parties for their assistance.


The District Attorney has reviewed the statements of the parties involved, those of all witnesses who might have first hand knowledge of the alleged incident including family, friends and co-workers of the complainant, and professional acquaintances and employees of Mr. Cosby. Detectives searched Mr. Cosby's Cheltenham home for potential evidence. Investigators further provided District Attorney Castor with phone records and other items that might have evidentiary value. Lastly, the District Attorney reviewed statements from other persons claiming that Mr. Cosby behaved inappropriately with them on prior occasions.

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12-13-2878

Because a civil action with a much lower standard of proof is possible, the District Attorney renders no opinion concerning the credibility of any party involved so as not to contribute to the publicity, and taint prospective jurors. The District Attorney does not intend to expound publicly on the details of his decision for fear that his opinions and analysis might be given undue weight by jurors in any contemplated civil action. District Attorney Castor cautions all parties to this matter that he will reconsider this decision should the need arise. Much exists in this investigation that could be used (by others) to portray persons on both sides of the issue in a less than flattering light. The District Attorney encourages the parties to resolve their dispute from this point forward with a minimum of rhetoric.


Bruce L. Castor, Jr.

Bruce L. Castor, Jr.
District Attorney



From: Bruce Castor <bcastor679@gmail.com>
Sent: Wednesday, September 23, 2015 1:30 PM
To: Ferman, Risa
Subject: Cosby Speculation
Attachments: Cosbypr rev.doc; ATT00001.htm

September 23, 2015

Dear Risa,

I certainly know better than to believe what I read in the newspaper, and I have witnessed first hand your legal acumen. So you almost certainly know this already. I'm writing to you just in case you might have forgotten what we did with Cosby back in 2005. Attached is my opinion from then.

Once we decided that the chances of prevailing in a criminal case were too remote to make an arrest, I concluded that the best way to achieve justice was to create an atmosphere where Andrea would have the best chance of prevailing in a civil suit against Cosby. With the agreement of Wally Phillips and Andrea's lawyers, I wrote the attached as the ONLY comment I would make while the civil case was pending. Again, with the agreement of the defense lawyer and Andrea's lawyers, I intentionally and specifically bound the Commonwealth that there would be no state prosecution of Cosby in order to remove from him the ability to claim his Fifth Amendment protection against self-incrimination, thus forcing him to sit for a deposition under oath. Wally was speaking for Cosby's side at the time, but he was in contact with Cosby's civil lawyers who did not deal with me directly that I recall. I only discovered today that Wally had died. But those lawyers representing Andrea civilly, whose names I did not remember until I saw them in recent media accounts, were part of this agreement because they wanted to make Cosby testify. I believed at the time that they thought making him testify would solidify their civil case, but the only way to do that was for us (the Commonwealth) to promise not to prosecute him. So in effect, that is what I did. I never made an important decision without discussing it with you during your tenure as First Assistant.

Knowing the above, I can see no possibility that Cosby's deposition could be used in a state criminal case, because I would have to testify as to what happened, and the deposition would be subject to suppression. I cannot believe any state court judge would allow that deposition into evidence, nor anything derived therefrom. In fact, that was the specific intent of all parties involved including the Commonwealth and the plaintiff's lawyers. Knowing this, unless you can make out a case without that deposition and without anything the deposition led you to, I think Cosby would have an action against the County and maybe even against you personally. That is why I have publicly suggested looking for lies in the deposition as an alternative now that we have learned of all these other victims we did not know about at the time we had to make the go, no-go decision on arresting Cosby. I publicly suggested that the DA in California might try a common plan scheme or design case using Andrea's case as part of the *res gestae* in their case. Because I knew Montgomery County could not prosecute Cosby for a sexual offense, if the deposition was needed to do so. But I thought the DA in California might have a shot because I would not have the power to bind another state's prosecutor.

Some of this, of course, is my opinion and using Cosby's deposition in the CA case, might be a stretch, but one thing is fact: the Commonwealth, defense and civil plaintiff's lawyers were all in agreement that the attached decision from me stripped Cosby of his Fifth Amendment privilege against self-incrimination, forcing him to be deposed. That led to Cosby paying Andrea a lot of money, a large percentage of which went to her lawyers on a

contingent fee basis. In my opinion, those facts will render Cosby's deposition inadmissible in any prosecution in Montgomery County for the incident that occurred in January 2004 in Cheltenham Township.

Bruce

Bruce L. Castor, Jr.
Commissioner
Montgomery County, PA

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September 25, 2015

Bruce L. Castor, Jr., Esquire
Commissioner
One Montgomery Plaza, Suite 800
Norristown, PA 19404

Dear Mr. Castor:

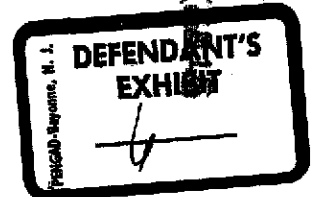
Let this letter serve as a formal request for a copy of the Fifth Amendment "written declaration" you signed in 2005 indicating the Montgomery County District Attorney's Office would not prosecute Bill Cosby on information coming out of civil litigation with Andrea Constand. We have searched all files related to the Cosby investigation in the DA's Office, the Detective Bureau and the Cheltenham Police, including my own personal file kept during our investigation, and no such document exists here. Neither have we been able to locate any reference to such a commitment or document. The first I heard of such a binding agreement was your email sent this past Wednesday; the first I heard of a "written declaration" documenting the agreement not to prosecute was an article authored on 9/24/15 and published today by Margaret Gibbons of The Intelligencer. As I contemplate the appropriate course of action on the matters involving Mr. Cosby, it would be enormously helpful to me to have the document you identified, or any written or electronic correspondence you had with opposing counsel related to it. We have been in contact with counsel for both Mr. Cosby and Ms. Constand and neither has provided us with any information about such an agreement. Since I know you keep copies of important documents, I am writing to request that you provide a copy to us now, so that we may properly resolve this important matter.

Respectfully,

Risa Vetri Ferman
Risa Vetri Ferman

RVF:js

Hand-Delivered





From: Bruce Castor <bcastor679@gmail.com>
Sent: Friday, September 25, 2015 3:42 PM
To: Ferman, Risa
Cc: Cullen, Sharon
Subject: Fwd: Cosby Speculation
Attachments: Cosbypr rev.doc; ATT00001.htm

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I did not realize it was a Holiday when I sent the below on September 23, 2015. In case you don't get emails from me. I will ask Sharon to print all this out and hand deliver it to you. I am emailing now because you let her seek this information with some urgency and I am not in my county office.

The attached Press Release is the written determination that we would not prosecute Cosby. That was what the lawyers for the plaintiff wanted and I agreed. The reason I agreed and the plaintiff's lawyers wanted it in writing was so that Cosby could not take the 5th Amendment to avoid being deposed or testifying. A sound strategy to employ. That meant to all involved, including Cosby's lawyer at the time, Mr. Phillips, that what Cosby said in the civil litigation could not be used against him in a criminal prosecution for the event we had him under investigation for in early 2005. I signed the press release for precisely this reason, at the request of the Plaintiff's counsel, and with the acquiescence of Cosby's counsel, with full and complete intent to bind the Commonwealth that anything Cosby said in the civil case could not be used against him, thereby forcing him to be deposed and perhaps testify in a civil trial without him having the ability to "take the 5th." I decided to create the best possible environment for the Plaintiff to prevail and be compensated. By signing my name as District Attorney and issuing the attached, I was "signing off" on the Commonwealth not being able to use anything Cosby said in the civil case against him in a criminal prosecution, because I was stating the Commonwealth will not bring a case against Cosby for this incident based on the then-available evidence in order to help the Plaintiff prevail in her civil action. Evidently, that strategy worked.

The attached, which was on letterhead and signed by me as District Attorney, the concept approved by the Plaintiff's lawyers was a "written declaration" from the Attorney for the Commonwealth there would be no prosecution based on anything Cosby said in the civil action. Naturally, if a prosecution could be made out without using what Cosby said, or anything derived from what Cosby said, I believed then and continue to believe that a prosecution is not precluded. It is this statement to which Peggy refers in her story. I thought you had a copy since I had sent it to you two days ago before I talked to her.

Bruce L. Castor, Jr.
Commissioner
Montgomery County, PA.

Begin forwarded message:

From: Bruce Castor <bcastor679@gmail.com>
Subject: Cosby Speculation
Date: September 23, 2015 at 1:30:22 PM EDT
To: Ferman Risa Vetri <rferman@montcopa.org>

September 23, 2015

Dear Risa,

I certainly know better than to believe what I read in the newspaper, and I have witnessed first hand your legal acumen. So you almost certainly know this already. I'm writing to you just in case you might have forgotten what we did with Cosby back in 2005. Attached is my opinion from then.

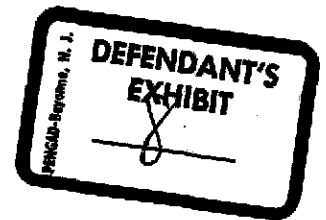
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Bruce

Bruce L. Castor, Jr.
Commissioner
Montgomery County, PA



From: Bruce Castor <bcastor679@gmail.com>
Sent: Friday, September 25, 2015 3:53 PM
To: Ferman, Risa
Cc: Cullen, Sharon
Subject: Cosby

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One other thing. I don't know if this is important or not, but when I served on the Judicial Reform Commission with Wally Phillips, he told me that in the civil settlement agreement in the Constead/Cosby case it was 'baked in' that there would be no prosecution for that incident. 'Baked-in' was his term. I don't know what he meant by that which is what led me to try to call him on Wednesday only to find out he had died.

Anyway, there might be a writing someplace that alludes to the parties intent at the time of the settlement. I was not privy to that and it could be nonsense. I never agreed we would not prosecute Cosby. I only agreed along with the plaintiff's lawyers and Phillips that anything he said would not be used to advance a prosecution in order to force his testimony in the civil proceeding.

Like I said, might be nothing, but I thought I'd better mention it.

Bruce

Bruce L. Castor, Jr.
Commissioner
Montgomery County, PA.

I AM NOT AWARE OF ANY INVESTIGATION
BEING CONDUCTED BY OUR OFFICE
FROM 2006 TO JULY OF 2015
REGARDING INVESTIGATION INTO
ALLEGATION OF CRIMINAL CONDUCT
OF DEFENDANT IN 2004.

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PAGE 1

